

Voluntary Municipal Tasks as Tool of the Resilience of the Local Communities*

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Abstract. Voluntary municipal tasks could be interpreted as an important element of the resilience of the local communities. These tasks are very flexible: in the European municipal systems these tasks can be provided relatively freely within the scope of the local public affairs. Therefore the municipal task management has an innovative role in the local government system, in other words, one can notice a process where facultative tasks may become obligatory. We also include the role of the central and territorial public administration in our analysis, concerning the financial background and the professional assistance of the voluntary task management as well. As an additional hypothesis, we present that the decreasing number of compulsory tasks highlighted the importance of the non-compulsory tasks; therefore, we also investigate the changes of the last few years.

Based on the hypothesis, we did an empirical research in three Hungarian and three Slovenian municipalities, where the nature of the municipal tasks were examined. We focused on the innovative nature of these tasks.

When selecting the municipalities, we paid attention to include different municipality models and their characteristics to verify our hypothesis. Our paper will present the main findings of this research: not only the large and rich municipalities and the municipalities with tourism destination roles perform facultative tasks, it is very important in the small communities, as well. These tasks are tools for the resilience to the changes of the regulatory environment and tools for the preserving the local identity.

Keywords: municipal tasks, voluntary municipal tasks, comparative administrative law, comparative municipal law, local government, municipal reform.

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1. Introduction

Despite the general clause of local public affairs, the central administration gained more influence on municipal tasks due to the materialization of the 'service-providing' and then the 'regulatory' administration in the past few decades (Marcou and Verebélyi, 1993. pp. 237-240). Given a glance to European regulations determining compulsory municipal tasks, we can conclude that freedom to local service management is generally restricted. On the contrary, the central regulations regarding voluntary tasks are less overwhelming, thus, the municipalities have a broader ground for facultative task management. Thus voluntary municipal tasks could be interpreted as an important element of the resilience of the local communities. These tasks are very flexible: in the European municipal systems these tasks can be provided relatively freely within the scope of the local public affairs.

To add more, these are the aspects in which the municipalities can show off their own character, build a unique image (Țiclău, Moldovan and Hințea, 2018, p. 877; Radvan, Mrkývka and Schweigl, 2018, pp. 897-898). One of the most important tools of this characterization is the definition and provision of the facultative (non-mandatory) municipal tasks. These tasks could be analyzed hardly and it is related to the freely chosen nature of these tasks. Therefore the legal regulation on the facultative task in the municipal codes of the European (continental) countries are very concise. The voluntary commitment of local affairs is allowed by these legal acts, and several restrictions and limits are stated, by which the provision of the mandatory tasks is secured (Hoffman, 2015, pp. 88-90). The main aim of our research was to do a 'pilot' research on the facultative tasks, which could be a base for an extended research.

Therefore for the analysis of these tasks an empirical research is required. The Department of Administrative Law of Faculty of Law, Eötvös Loránd University has accomplished a research in the field of voluntary task management of local municipalities. The research was led by Prof. Marianna Nagy, Head of the Department, and it was realized in cooperation with the Local Governments' Research Centre of the Faculty of Science of Public Governance and Administration, National University of Public Service. In our research we put an emphasis on the fact that the presence of facultative tasks serves as a tool of self-governance and resilience tool in the continental local government systems (Pálné Kovács, 2016, p. 585).

2. Methods and approaches of the comparative municipal law

The analysis is focused on the legal regulations on facultative tasks of the local municipalities. Thus primarily the regulation on the municipal system and the municipal tasks were analyzed. Beside the jurisprudential analysis, the research also included an empirical inquiry regarding the implementation of voluntary task management.

The empirical research – which was based on the jurisprudential and financial analysis of the facultative service provision of several municipalities – was based on a qualitative method. Semi-structured interviews were done during spring and summer of 2018. The number of the analyzed municipalities were limited. The limitations were related to the pilot nature of the research and the limited resources. Therefore we focused our research on the analysis of several characteristic municipalities in detail.

The selection of the analyzed municipalities were based on our hypothesis. After the analysis of the literature we set up the hypothesis that voluntary tasks are present at municipalities of bigger size and bigger economic power (Szente, 2013, p. 163), especially in the case when a municipality has a more specific character, e.g. it is a touristic destination (Vlés, 2016, p. 68). We also assumed that the small municipalities (with limited financial resources) could perform non-mandatory functions. The decreasing number of compulsory tasks highlighted the importance of the non-compulsory tasks; therefore, we also investigate the changes of the last few years. The task performance of the smaller municipalities could be based on tools which requires only limited financial resources but more personal activities (Nagy, 2017, pp. 24-25).

Therefore in this pilot examination, we chose a city, a small town and a village as our base of research. The empiric inquiry and the analysis was realized with the contribution of the Students' Scientific Association of the Department of Administrative Law. Following the theoretical overview, we prepared a questionnaire as a base for the pilot inquiries. We chose three Hungarian and three Slovenian municipalities to thoroughly examine the voluntary task management both as an experiment and a foundation of a wider research, pursuing the methodology described above. When selecting the municipalities, we paid attention to include different municipality models and their characteristics to verify our hypothesis. As a result, one of the examined municipalities is in a disadvantaged region of Hungary and is in disposal of a weaker economic power. The municipality of Kesznyéten has approximately 2000 residents and is located in Tiszaújváros region of Borsod-Abaúj-Zemplén County (which is one of the disadvantaged regions in Hungary). Our next municipality is Balatonlelle, small town in Somogy County of approx. 5000 inhabitants with touristic importance (a town at Lake Balaton, which is one of the most important touristic destinations in Hungary). Thus this town has better economic opportunities. The third municipality has been an urban municipality, the 14th district of Budapest (called 'Zugló', hereinafter Zugló), a bigger sized municipality of more than 100.000 residents.¹ Following the same methodol-

1 In Hungary, the capital city, Budapest has a two-tier municipal system. The districts of Budapest (now Budapest has 23 districts) have the first tier of the system. These districts have

ogy, we did a comparative empirical research. It was focused on three Slovenian municipalities of similar size and character (a disadvantaged municipality, a small town of touristic importance, and a city municipality). The empirical studies were accomplished at the municipality of Hodoš (the smallest municipality of Slovenia with its 400 residents), the municipality of Bled (which itself is a town with 5000 residents, but it has 9000 residents with the integrated settlements) as a touristic destination town and the municipality of Maribor as a bigger sized city of more than 100.000 residents.

3. Approaches of voluntary tasks in academic works

3.1. Interpretation of the voluntary task in the literature

The definition of the voluntary tasks in the local government system is yet to be universally acknowledged in academic circles. Based on the various national and international academic works, we can highlight two different points of view regarding voluntary tasks: a narrow and a wider approach. The narrow approach considers only those public affairs as voluntary which are not part of any municipality's compulsory tasks. In this sense, the voluntary and the alternative tasks are separated, hence the alternative tasks are viewed as a means to adjust the structure of local government. The group of alternative tasks consists of the objectives which are taken over by a smaller or lower level municipality from a higher level or bigger municipalities (Nagy and Hoffman, 2016, pp. 58-70). This approach is mainly widespread in countries that are based on dogmatic principles of German jurisprudence. The wider approach interprets the voluntary tasks as a combination of the alternative tasks and the tasks defined by the narrower concept. Although this approach is primarily present in countries following French jurisprudence, we can find its traits in the Hungarian administrative law as well (Kilényi, 2008).

Our analysis is based on the framework of the above-mentioned interpretation. We must state that in the course of the analysis, we chose the narrower approach to voluntary tasks (Hoffman *et al.*, 2018). The research focuses on the voluntary task management; however, we partly included the analysis of alternative tasks as well. Consequently, the examination of compulsory objectives where the municipalities are provided with a wide competence is only limited in our paper. In this sense,

self-governance and are defined as first tier municipalities. The second tier municipality, the municipality of the capital is responsible for the issues of Budapest as a single city and the functions which are related to the capital city status of Budapest. This second-tier municipality (the so-called *Fővárosi Önkormányzat* – Capital Self-Government) is responsible for the tasks of the counties in the area of Budapest (Budapest as the capital city does not belong to any county – the counties are the 2nd tier local governments in Hungary).

the municipal subsidies form clearly part of the compulsory tasks as prescribed by section 45 of the Act III of 1993 on the social welfare administration and social services, regardless to the fact that the content and the limits of those subsidies are ruled self-sufficiently by each municipality. Given the obligatory nature of the objective, the local municipality does not willingly take up any task, it only adjusts the provision of the compulsory tasks to the local needs (Tóth, 2016, pp. 169-172). This broader task management is not covered in our research as we interpret these objectives as a compulsory task only adjusted to local needs and not as a voluntary task.

3.2. The role of the voluntary municipal tasks in the local government systems – different approaches

To start with, we have to put an emphasis on the fact that the presence of facultative tasks serves as a tool of self-governance and resilience in the continental local government systems (Pálné, 2016, p. 585). As we have mentioned, the central administration gained more influence on the obligatory municipal tasks due to the emerge of the welfare state and especially due the decentralization reforms influenced by the paradigm of New Public Management (Marcou and Verebélyi, 1993, pp. 237-240; Fazekas, 2014, p. 29; Pollitt and Bouckaert, 2017, pp. 16-21). The principle of equal access to public services that realize fundamental rights does not tolerate significant local differences in the quality of services. This situation caused the academic sphere to even write about the decline in local self-governance in European (mostly northern European) countries where public administration is based on the human right approach – calling the municipalities the executive agencies of the welfare state (Blom-Hansen and Heeager, 2011, pp. 228-230). Given a glance to European regulations determining compulsory municipal tasks, we can conclude that freedom to local service management is generally restricted. On the contrary, the central regulations regarding voluntary tasks are less overwhelming, thus, the municipalities have a broader ground for facultative task management. To add more, these are the aspects in which the municipalities can show off their own character, build a unique image. This opportunity plays a more significant role for municipalities which consider themselves touristic destinations as local politics provide more possibility for voluntary tasks. Concerning those municipalities whose tasks and competences are strictly regulated, voluntary tasks gain utter importance to realize substantive local administrative management. These tasks are even more appreciated when municipalities suffer a significant loss of competences as in this case human resources can be rearranged to this area of tasks (Balázs and Hoffman, 2017, pp. 15-17).

Voluntary tasks are the most important characteristics of municipalities: they set apart local governments from other, corporate governments. The principle of local

public affairs generally provides only to local governments the freedom of managing and realizing services and other administrative tasks (Fazekas, 2017, p. 97).

In addition, voluntary tasks are the most important tool to municipal innovation. Whilst compulsory tasks shall be realized within the framework of state regulations, providing a narrow room for municipalities to use new administrative methods, in the field of voluntary tasks the municipal freedom is quite significant (Nagy, 2017, pp. 18-20). Consequently, several (now state-provided) public services appeared in a municipal toolkit. In Hungary this trend was specifically present in the social sector as in the wider framework provided by state regulations allowed municipalities to establish successful services which were later made compulsory tasks by state laws. As an example, we can name the previous debt management and support service for the disabled.

Innovation can appear not only in new services, but also in the method of task management. Local governments typically can give more possibilities to local socio-economic actors in facultative tasks, therefore this aspect is more important regarding cooperation with local economic actors, civil society and churches.

Thus, voluntary tasks gain more and more significance in modern municipalities and as central legislation increasingly defines compulsory tasks, this tendency is anticipated to strengthen.

4. The results and main findings of the empirical (pilot) research on voluntary municipal tasks

While examining the facultative tasks of a local municipality, it appears to be clear that tasks in the cultural sector bear a lot less significance in municipalities with tight budgets than in those which have numerous sources of revenue. As for touristic destination municipalities, we can generally say that cultural task management shares a strong connection with local touristic projects.

Regarding sports, municipalities of cities can provide a significant number of subsidies, apart from directly supporting sports associations, municipalities also turn to the maintenance and innovation of facilities. In the field of supporting sports activities, small, but touristic towns tend to merge these supports with touristic actions. Small municipalities have modest means to support sports activities, they tend to subsidize local associations as a means for community-building.

As municipalities have limited compulsory tasks in the field of education, voluntary tasks have gained importance and developed a supplementary nature. We found that cities operate an innovative scholarship network whereas small municipalities' voluntary tasks aim for rewarding teachers. Concerning small, touristic towns, this type of tasks has only a small significance.

Both Zugló and Maribor provide various voluntary tasks in the field of health care. This means facilitating the resident's access to diverse health care service

(such as supporting screening tests, refunding the purchase of vaccines). Uniquely, the municipality of Maribor appoints a local health care 'ombudsman' who is open for the residents' notices in his office provided by the municipality. In small, touristic municipalities, the maintenance and renovation of health care facilities to ensure the quality plays an important role, whereas in small municipalities this task is not really present due to their tighter budget (Hoffman *et al.*, 2018, pp. 77-80).

Bigger sized municipalities cover various and significant tasks in the social sector, however, we can note some differences between Zugló and Maribor. The municipality of Zugló undertakes a wide range of voluntary tasks in the social sector. These facultative tasks have different objectives, ranging from social situation improvement for the deprived residents to increasing the standard of living of all residents, depending on the capacity of the municipal budget. Zugló has a great variety of activities regarding social benefits. Previously, these tasks were not part of the compulsory tasks of the municipality, their introduction was based on the local social policy principles. Due to the limited number of compulsory tasks, Maribor undertakes several social voluntary tasks. Unlike Zugló, Maribor offers mainly personal social services and provides a social welfare system adjusted to the demands of a city. Touristic towns have limited number of voluntary tasks in the social welfare sector (in our research, both the Hungarian and the Slovenian municipality were rather of a good socio-economic position). Apart from innovative benefits, they concentrate on broadening the scope of the social welfare system. Respective to the challenges of a small-sized municipality, Hodoš has developed an innovative solution to encourage young people to settle in the municipality.

Public safety sector is present in city-level and touristic municipalities, in small municipalities there is no local organization for public safety. It is a characteristic of the Slovenian task management in this field that the state supports co-operation of municipalities, therefore public safety tasks are carried out jointly by a few municipalities. City-level municipalities have a bigger sized, fragmented public safety body. Touristic towns have a smaller sized organization but are supported by local NGOs and partly by guarding civil services.

The empirical analysis carried out in Hungary and Slovenia covering the significant municipality models gradually verified the initial hypothesis of our research. On the one hand, voluntary tasks play an important role in most municipalities. Logically, voluntary tasks management is more likely to be present in cities of greater economic impact. On the other hand, it is a characteristic of larger cities that the majority of voluntary tasks focuses on municipal services, including welfare, cultural and sports objectives. Our other hypothesis was also confirmed as we concluded that voluntary task management is remarkably strong in municipalities of touristic importance. As far as voluntary task management is concerned in Bled and Balatonlelle, we can state that beside touristic tasks and cultural objectives,

they focus on local communities as well. The touristic feature also causes that municipal police have a key role in the field of voluntary tasks. Apart from these, we concluded that in the voluntary task management of small touristic towns, the proportion of social services is smaller.

During the research, it also became clear that facultative task management plays a key role in local politics. In city-level municipalities this feature was quite obvious, but even in smaller sized towns emphasized that in 2017 and 2018, the voluntary tasks gained significance as municipal and national elections were approaching.

Regarding small municipalities, our hypothesis on the limited resources as a barrier to provide voluntary tasks have also been certified. Nevertheless, in these municipalities mainly cultural, youth and sports objectives are more important, as they not only contribute to community building and preserving the local population, but also demand less direct resource.

As a conclusion, the principle of local self-governance, appeasing local needs and being innovative are all featured when speaking of voluntary tasks. Municipalities have developed several services which may serve as a model for the central administration branch as well. Accordingly, our research and methodology might be an initial point for further investigations of voluntary task management as these fields undoubtedly constitute an important part of the principle of self-governance.

5. Municipal voluntary tasks and central government

Central administration has gained more influence on municipal tasks for the last decade in Hungary. After 2010 the newly elected Hungarian government decided to reorganize the system of human public services (for details see Hoffman, Fazekas and Rozsnyai, 2016). The main goal of the reform was to centralize the maintenance of public institutions in the fields of primary and secondary education, health care and social care. Before 2010 the most of the institutions were maintained by local self-governments, e. g. specific health care (like inpatient care) was compulsory task of the counties, primary care was under the scope of settlements. According to the governmental statements serious problems occurred before 2010 in these sectors. The local governments had no sufficient budgetary resources to maintain their institutions effectively and transparently, therefore only the state administration could provide these public services on a unified high quality. In the opinion of the governmental decision-makers only the control of central government could ensure equal opportunities in these sectors (Rapporteur's Justification 2011 of the Act CLIV of 2011 and Rapporteur's Justification of the Act CXC of 2011).

As we have mentioned, this justification fits the theory of 'service-providing' and 'regulatory' administration which has emerged in the past few decades in Eu-

rope (Marcou and Verebélyi, 1993, pp. 237-240). The principle of equal access to public services means that fundamental rights approach does not tolerate significant local differences in the quality of services. This human right approach calls municipalities executive agencies of the welfare state. According to these considerations the Government in Hungary has established agency-type central bodies and their territorial units for the task of maintaining institutions (e. g. schools, hospitals and nursing homes) in the aforementioned three fields:

- a. health care: National Institute for Quality and Organizational Development in Healthcare and Medicines, then after the reorganization in 2015: National Health Care Service Center; and
- b. primary and secondary education: Klebelsberg Institution Maintenance Centre;
- c. social care: General Directorate of Social Affairs and Child Protection.

Agencies are widely used types of the non-ministerial sphere of the central administration. These bodies are usually independent from the Government to some extent and are entitled with rule-making and individual authoritative competences, too. The main advantage of their existence is that they concentrate on a few specified tasks while the ministries can carry out policies and higher rule-making (Peters, 2010, pp. 129-130, pp. 314-315). Furthermore, agencies may provide much more flexible framework of human resource management as buffer organizations during personnel cutback campaigns, which are rather frequent in Hungary (Hajnal, 2011, pp. 77-78). In spite of their (respective) autonomy, agencies often carry out political tasks and they operate frequently under tight governmental or ministerial control (on politicization see Hajnal, 2011). The abovementioned three Hungarian agencies have been working under strong governmental control as we will see later.

Considering the increasing impact of central administration on municipal tasks the following question occurs: how can a local self-government maintain its influence on local public affairs? According to our research the answer is carrying out more voluntary tasks. It is possible because central regulations regarding voluntary tasks are less strict, thus, the municipalities have a broader ground for facultative task management. Doing so, local self-governments can express their own character and strengthen their identity.

6. Conclusions

Voluntary tasks play an important role in most municipalities. Logically, voluntary tasks management is more likely to be present in cities of greater economic impact. On the other hand, it is a characteristic of larger cities that the majority of voluntary tasks focuses on municipal services, including welfare, cultural and

sports objectives. It was also interesting that tasks related to public safety were significantly present in these cities due to challenges of an urban environment. It can be highlighted that the voluntary task management is remarkably strong in municipalities of touristic importance. The touristic features also cause that municipal police have a key role in the field of voluntary tasks. Apart from these, we concluded that in the voluntary task management of small touristic towns, the proportion of social services is smaller. Similarly, other functions were related to the tourism, as well. In the small municipalities the limited resources are a barrier to the provision of voluntary tasks. Nevertheless, in these municipalities mainly cultural, youth and sports objectives are more important, as they not only contribute to community building and preserving the local population, but also demand less direct resource.

As a conclusion, the principle of local self-governance, appeasing local needs and being innovative are all featured when speaking of voluntary tasks. We can mention, that the voluntary tasks can be interpreted as an “oppositional” element of the public administration systems: they can be alternatives of the centrally organized services. Thus municipalities have developed several services which may serve as a model for the central administration branch as well. Accordingly, our research might be an initial point for further investigations of voluntary task management as these fields undoubtedly constitute an important part of the principle of self-governance.

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